

UNITED STATES DISTRICT COURT FOR
THE DISTRICT OF MASSACHUSETTS

BRENDA COMEAU AND)
KENDRA LARKIN ,)
Plaintiffs)
vs.)
O'CHARLEY'S, INC., AND) CIVIL ACTION NO. 05-11088-JLT
99 RESTAURANTS, LLC,)
Defendants)

)

JOINT MOTION TO CONTINUE

The plaintiffs and the defendants, by their attorneys, move this honorable court to continue the trial of the above matter until Monday, April 30, 2007.

As grounds therefore, the parties submit:

1. The case is presently scheduled for trial on February 5, 2007 and mediation on January 29, 2007.
2. There is a good chance that the case will settle at mediation or soon thereafter.
3. The scheduling of the mediation was delayed until very close to the trial through no fault of the parties.
4. There are a large number of witnesses, a substantial volume of documentary evidence, and other complexities that will make the final preparations for trial costly and time consuming to both sides and could prevent from the parties focusing on settling the case.
5. The requested continuance will aid the parties in resolving the case expeditiously and economically.

Respectfully submitted,

O'Charley's, Inc.
99 Restaurants, LLC
By their attorney,

Brenda Comeau,
Kendra Larkin,
By their attorney,

/s/ Tina R. Matsuoka

/s/ J. Whitfield Larrabee

Tina R. Matsuoka
Murtha Cullina, LLP.
99 High Street
Boston, MA 02110
(617) 457-4000
BBO # 651091

J. Whitfield Larrabee
251 Harvard Street, Suite 9
Brookline, MA 02445
(617) 566-3670
BBO # 553499